

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Newport News Division

UNITED STATES OF AMERICA

v.

4:07CR165

NAU LOPEZ JUAREZ,

Defendant.

REPORT AND RECOMMENDATION  
CONCERNING GUILTY Pleas

Defendant, by consent, has appeared before the undersigned pursuant to Rule 11, Federal Rules of Criminal Procedure, and referral from a United States District Judge and has entered guilty pleas to sale of a social security card and aggravated identity theft, in violation of 42 U.S.C. § 408(a)(7)(C) and 18 U.S.C. § 1028A. Defendant is also charged with false representation of a social security number, in violation of 42 U.S.C. § 408(a)(7)(B). Defendant understands that this charge will be dismissed upon acceptance of his guilty pleas, and the United States confirmed defendant's understanding.

On January 3, 2008, defendant appeared before the Court for the purpose of entering his guilty pleas. He was represented by appointed counsel, Richard J. Colgan, Esquire. Defendant speaks no English and the proceeding was facilitated by the services of a Spanish interpreter. Defendant acknowledged the assistance of the interpreter and indicated that he fully understood the proceedings through the translations of the interpreter. Defendant was appropriate in appearance, responsive, and competently prepared for the hearing. He answered all questions put to him in clear and concise language. On those occasions when he had a question, defendant consulted with counsel

and then promptly answered. Defendant was courteous and appropriate in his behavior at all times and clearly understood the seriousness of his position. At the close of the proceeding, defendant was remanded to the custody of the United States Marshal, pending completion of a presentence report.

Defendant is thirty-two or thirty-three years of age (he was uncertain); never attended school in Mexico, where he grew up, and is completely illiterate; and speaks Spanish as his native language. Defendant followed the interpreter very closely and volunteered his guilt on several occasions. There was no evidence that defendant was on drugs, alcohol, or medication which might impair his judgment. He was cooperative throughout the proceeding.

Defendant entered his guilty pleas pursuant to a plea agreement. The Court is completely satisfied, based upon defendant's responses, that he fully appreciates his position. Furthermore, he acknowledged that the statement of facts prepared in anticipation of his pleas accurately reflects the government's evidence, in the event of trial.

After cautioning and examining defendant under oath concerning each of the subjects mentioned in Rule 11, the Court determined that the offenses charged are supported by independent facts, establishing each of the essential elements of such offense. Therefore, the Court recommends that the guilty pleas be accepted and that defendant be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this report and recommendation within ten days from the date of its service shall bar an

aggrieved party from attacking such report and recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

/s/

James E. Bradberry  
United States Magistrate Judge

Norfolk, Virginia

January 4, 2008